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In Memory
of
Joseph Hodges Choate



Addresses at a Special Meeting of
The Union League Club
of New York
May 24th, 1917

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SPECIAL MEETING
OF THE
UNION LEAGUE CLUB OF NEW YORK
MAY 24, 1917
IN MEMORY OF THE LATE
JOSEPH HODGES CHOATE

THE PRESIDENT, CHARLES EVANS HUGHES—Gentlemen of the Union League Club, we have gathered to-night to pay our tribute of love and of admiration to the memory of Joseph Hodges Choate. (Applause.) We are met here in the goodly fellowship of this Club, to which for fifty years he sustained the most intimate relations. I believe that Mr. Choate became a member of this Club in 1867, and forty-four years ago, in 1873, he became President of the Club; and from that time until the day of his death he was actively interested in all that pertained to the welfare of the Club and in all that it did as an institution for the good of society.

It was only the other day, when upon this platform, as you will remember, with the rapier of his wit as keen as ever, and with eloquence undiminished, he voiced the patriotic sentiment of this Club. You remember that he said that if the words he then uttered were his last words, he should feel that he had breathed them in the actual service of his country. (Applause.)

It is fascinating to think of the vast development which took place within the space of a single life, of all the great events of which he was the witness, of the extraordinary activities in which he played such a distinguished part.

When Mr. Choate was born, Thomas Jefferson had been dead only six years. When Mr. Choate was born, Jackson had not yet completed his first term as President of the United States. William L. Marcy was Governor of New York. Chief Justice Marshall and Justice Story still sat in the Supreme Court of the United States. Webster was at the height of his power in the United States. Charles O'Connor was a young lawyer who had been at the Bar of New York for a very few years. When Mr. Choate was born in Salem, Massachusetts, the home of American letters, Boston was a city of only 60,000; New York, the metropolis, had only 200,000. Railroads were in their beginning, and all the interlacing communications of this day were unknown. What was more, while we were a nation in organization, while we were a great nation in promise, we were still without the national consciousness upon which alone the national prosperity could be based; and we were without that great expansion of settlement and activity which made it possible for us to attain that remarkable degree of development which the close of the last century witnessed. Mr. Choate came to young manhood when the nation was in the balance, when it was still an open question whether we should continue to have a nation. He came to young manhood in the critical period before the Civil War, and when the war was over, Mr. Choate, in the prime of his strength, entered that period a king among men, notable in intellectual power, notable in facility of adaptation, notable in his complete grasp of the affairs of his time; Mr. Choate entered upon that extraordinary period which succeeded the Civil War, to be in great part one of the makers of the United States, which, as a nation, then began to take the shape with which we are now familiar. It was a fortunate life, a life of rare fortune, but perhaps most fortunate in the fact that in the period of its highest efficiency it coincided with this period of extraordinary national progress.

Mr. Choate gave himself loyally to the service of this City. We were impaired, weakened, corrupted, by the

misuse of the opportunities which the rapid expansion of the City provided. The year 1870 marked the deepest depth of the degradation of New York, and Mr. Choate, with others of that day, men of the highest mental power, men of the greatest social influence, gave himself in the determined fight against the strongholds of iniquity and corruption in this town, and we owe to him and those that fought with him what we now enjoy in New York in freedom, in purity, in efficiency, in our City Government. (Applause.) That was the time when it was demonstrated once for all that there were certain conditions which the people of this City would never tolerate, and the downfall of Tweed was the omen for all time that those who would corrupt the opportunities of municipal life must sooner or later meet the awakened conscience of the people, and that the leaders of the bar, strong in their individual prestige and independent of all influence, could always be counted upon in that strife to stand for civic purity.

It was a great service to the City of New York which he rendered in his young manhood, and from that time until the present time there was never needed a voice to speak for honesty and good government in the City of New York but what Mr. Choate could be depended upon to furnish the most eloquent voice that could speak in its behalf. (Applause.)

You recall his services to the State. He was a member of the Commission of 1890, a Commission which expended a great deal of effort in proposing a revision of the State Constitution with respect to the organization of our courts. The work of that Commission at the time seemed an utter failure, but in very large part the work of the convention of 1894 was the fruition of the work of the Commission in 1890. To a very great degree Mr. Choate's personal efforts in connection with the work of the Commission of 1890, prepared the way for the beneficent changes which were made in relation to our judicial system by the Convention of 1894. Mr. Choate gave himself in both undertak-

ings unstintedly. I recall now that it was Mr. Choate who proposed in the Commission of 1890, an amendment to the effect that the Legislature might, within certain limitations, further restrict the jurisdiction of the Court of Appeals. That provision was embodied in the Constitution of 1894, and that work, then so well done, made it possible at this session of the Legislature to secure much needed relief for the Court of Appeals and a better arrangement of our Appellate Jurisdiction. So it is that good work seldom fails of its fruit, and that we, in 1917 go back 27 years to the motion of Mr. Choate in the Commission of 1890, as the source of a very important measure whose benefits I believe, lawyers and litigants alike will share in the coming day. I have spoken of that Commission and also of the Convention in connection with it. You recall Mr. Choate's relation to the Constitutional Convention of 1894, and in his opening address and in his closing words I think that he very faithfully portrayed his attitude toward public affairs. I shall not attempt to quote his exact language, but the pith of it was this: "Our people have been prosperous, they have been happy, they have developed under"—what he called "that ancient structure"—the Constitution of 1846, which was younger than himself—"Are we here," said he in substance, "to ignore the work of the past? Are we here to re-create, or are we skillfully and with wisdom to repair, amend, improve, taking advantage of all the good we find, and making the new instrument in a very true sense the outgrowth of the old, aided by our experience under its provisions?" He was desirous of progress, but never at the expense of sanity, and to his mind political progress was an evolution, and those contributed in the most important degree to real measures of reform who could best take note of what had been gleaned from the experience of the ages, and could so relate the past, the present and the future, that in moving onward with greater opportunity for collective advantages, we would always safeguard the genius of our

institutions and the spirit by which they were established and by which alone individual liberty can be maintained.

But the greatest service that Mr. Choate rendered was in a broader sphere. He had had the most active professional life, he had found many opportunities of service, and his professional life was itself a great service by virtue of the spirit which animated it, and by reason of the example it afforded. It was reserved, however, for him at a time when most men are thinking of relinquishing the burdens of an active life, it was reserved for him at the very summit of his career to embark upon a new venture in the interest of the nation. At the age of 67, virtually retiring from practice, he went to St. James, as the Ambassador of the United States, and there he represented the country in a manner which made every true American proud of her representative. I do not suppose we ever had anyone abroad who so endeared America to those to whom he was accredited, as our Ambassador to England. They recognized his intellectual power, they admired his wit, and they also knew that he sought no effects abroad at the expense of his patriotic duty to his country. (Applause.)

He was just as much of an American in London as he was in New York, and he never failed on any public occasion where he addressed the people of Great Britain to show that stout Americanism which they thoroughly respected.

Would that we could have a legion of such Ambassadors! If we could look into the future and find this country represented abroad by such men as Mr. Choate, we could indeed count on the honor and prestige of the United States being maintained to the satisfaction of all our people, and we would do quite as much to avoid the awful chance of war as we could accomplish by formal agreements and conventions. (Applause.)

Mr. Choate gave America distinction abroad, such was his greatness. It was natural that he should be the head of our delegation to the second peace conference at The

Hague in 1907. There he took a commanding position; there he was not simply of great service to the United States, but of the greatest service to the world, for he was there sitting in the councils of the nations, seeking nothing for the United States which could possibly be at the disadvantage of any other power, but in an enlightened manner, endeavoring to lay the foundations of the temple of peace. I want to read you a word from his lectures upon The Hague Conferences to show you how clear-sighted he was in contemplating the future. These words he wrote in 1912, in summarizing what had been done at the Hague conferences:

Said he: "We do not delude ourselves with the idea that there will be no more wars, or that talking or conferring or arbitrating will put an end to them. Righteous and necessary wars there may yet be, but only righteous and necessary on one side, like our own struggle for independence in 1776, and the life and death contest of 1861 for the preservation of the Union and the extirpation of slavery. But the work for peace is going on well, the conscience of the world is thoroughly aroused and determined, and perhaps thousands now living will see the day when war, as a means of settling international disputes, will be as generally condemned as the duel and slavery and the slave trade are today.

"Perhaps this is also another dream! But who can tell?

'Blind unbelief is sure to err
And scan His work in vain;
God is His own interpreter
And He will make it plain.' "

Mr. Choate enjoyed the distinction of extraordinary ability. It seemed an easy mastery, that mastery of his over every problem which was presented to him. No one could come into close relation to him in any matter calling for keen analysis and close study without observing the apparent ease with which he did the things which to others seemed so difficult. I remember the first time I met him

in the early days of my practice, when it was my privilege to act as his junior; how surprised I was that in a matter of some importance he could seem to be so entirely unmoved, so easy, so completely master of a difficult and complicated set of facts. He was a very distinguished man in intellectual power, but this country erects no monuments to shrewdness. Much as we admire skill and ability, we do not meet in memorial meetings simply to pay our tribute to mere smartness or acumen.

Mr. Choate was a leader in many fields; he was a leader in service; he was a leader in character; his was the leadership of the well-balanced mind, of the keen sense of humor, of the comprehensive grasp; his was the leadership of lucidity; his was the leadership of candor; his was the leadership of courage.

A great lawyer, but a far greater man, a great statesman, great representative of his country, but great in these distinguished spheres of usefulness because he always brought to his service that dignity and poise and fearlessness and candor, and that capacity for straight seeing which made everybody feel that he was in the presence of a master among men. But, in the midst of his mastery, he had a kindly spirit and the human touch. We are here tonight admirers of Mr. Choate, but we are here because we loved him. We knew him in the fellowship of this Club; we knew him as a man with whom we could come into close relationship, albeit we recognized his unapproachable power. The poet has said: "Are not great men the models for nations?" Mr. Choate's life was a life of rare distinction. We are sad that he is gone, but we are all the richer for knowing him, and we shall never escape, whether in professional activities, in civic life or in our international relationship the force and the beneficence of his example. (Applause.)

MR. WILLIAM D. MURPHY: Mr. President and gentlemen of the Union League Club: Subject to the approval of the Chair, I have the honor of offering the following

brief preamble and resolution, purposely made brief. The canvas is so large, the subject so great, we can but epitomize the thought that is in every heart tonight:

WHEREAS: Joseph Hodges Choate, eminent in all his walks in life and preëminent in the hearts of his fellow-citizens, entered into rest on May the fourteenth, 1917, in the eighty-sixth year of his age.

In this Club, whose rolls have been long honored by his name, as a member since 1867, as President from 1873 to 1876 and as an Honorary Member since 1903, the death of Mr. Choate falls with a special severity and awakens deepest sympathy.

In this environment it would be a task superfluous to relate the vivid features of his long, triumphant life; to detail his vast successes, or to recount the numerous honors heaped upon him. The records of great universities on both sides of the sea, the annals of the American Bar and the history of international diplomacy, each and all bear lasting testimony to his genius and well-deserved fame.

Of good New England stock, he came to give a vital definition to Longfellow's sententious estimate of the Puritan Captain Miles Standish:

"Great of heart, magnanimous, courtly, courageous."

When Mr. Choate's voice was raised in advocacy of the eternal principles of rectitude and patriotism, it verily portrayed the lines of Alexander Pope:

"Pour the full tide of eloquence along.

Serenely pure, and yet divinely strong."

To Mr. Choate was given the supreme blessing of arriving at the wisdom and distinction of

age without revealing the penalties of his advancing years.

Never did he stand more gracefully or more majestically in the public eye than during those last days, when he filled a part exacting and conspicuous in the civic ceremonials of welcome to the Allied Commissioners of France and England, thus welding fast the ties of brotherhood which his influence had been so potential in establishing.

Overshadowed by such a character and overawed by such a loss, the phrases of eulogium sound trite indeed, since on every hand we hear their repetition by countless voices giving expression to a universal sentiment. Therefore, be it

RESOLVED: That we, the members of The Union League Club, in special meeting assembled, hereby place upon the records of the Club this testimonial of our abiding admiration, esteem and love for the exalted character and unmatched personality of our late fellow-member, Joseph Hodges Choate;

AND BE IT FURTHER RESOLVED: That a copy of these resolutions be tendered to the bereaved family in token of our profound sympathy.

GEN. THOS. L. WATSON, First Vice-President: Mr. President, I deem it a special privilege to be permitted, although in but a word, to second the resolutions presented by Mr. Murphy, and which so expressly and beautifully carry the sentiment, the esteem, the regard and the honor with which we all held our former President, Joseph H. Choate.

THE PRESIDENT: Before we take action upon the resolutions, I will ask Mr. Guthrie to address the Club.

MR. WILLIAM D. GUTHRIE: Mr. President, Mr. Depew and Fellow-Members of the Union League Club:

It is only a week since we joined reverently and sadly in the nation's homage to the earthly remains of the most brilliant and the most venerated member of this Club. Our bereavement is still too fresh and overwhelming and too many memories crowd upon our minds to permit us to compose our thoughts and find words fitting to voice what we all deeply feel or to express our appreciation of a truly great personality, who was the noblest and sweetest character of our day and whom we are grateful to have known and loved.

Mr. Choate was so versatile and his interests were so numerous that the many groups of friends and associates with whom he co-operated naturally feel that to each group belongs as its own special heritage some particular phase of his glorious and beneficent career.

He was the ideal and the most brilliant ornament of the American Bar, and his splendid talents and unblemished honor were its pride and inspiration. To the Bar, therefore, should be left the memorial of his services and fame as an advocate and jurist. The due appreciation of his broad and varied culture, of his taste in literature, of his love of nature, of his interest in science and art, rests peculiarly with the universities, museums and academies to whose work he devoted so much time and thought and to which he was always ready to give his best. The tribute to his philanthropy and his manifold services and sacrifices in the field of charity should be entrusted to those who witnessed his innumerable acts of generosity and actively shared his profound sympathy for the unfortunate. The many who had the good fortune—I should say the priceless privilege and blessing—of enjoying his friendship cannot yet attempt to describe the charm of his pure and noble character and the affectionate devotion which he inspired.

But the aspect of Mr. Choate's life and service which we of the Union League Club may well claim as our own

sphere is his militant patriotism. He profoundly believed in the patriotic mission of this Club, and for half a century it was very close to his heart. He passionately loved this country of ours, its ideals, its institutions, its liberty regulated by just restraints, its equality before the law, its guaranties of the fundamental rights of free men. To him the Constitution was our Ark of the Covenant. He was never more ardent or more eloquent than when defending the Constitution and contending for the constitutional rights of the individual. Often have those who were privileged to discuss with him the subject of patriotism been thrilled and uplifted by his supreme confidence that the National Constitution would endure and that the Union and government established by it "shall not perish from the earth."

Throughout his career Mr. Choate believed that the primary duty of the profession is to the State, and that the greatest and grandest service that an advocate can ever be called upon to perform is in relation to questions of public or constitutional law, as an expert instrumentality especially charged with the duty of conserving and promoting the well-being of our governments, national and local. The interests of the individual client in any particular litigation involving a question of public law were to him secondary to the interests of the commonwealth. In this respect, he adopted in his professional conduct the principle of the Romans, that the constant and first duty of the advocate is always to the Republic. As often quoted by Mr. Choate, "*pro clientibus saepe; pro lege, pro republica semper.*"

Any attempt to chronicle the public movements in which Mr. Choate engaged and to which he devoted so much of his best thought and effort would require a review of the history of our country since 1856. He came to New York in 1855, at the age of twenty-three, and the next year he was prominent in support of Fremont as the first Republican candidate for the office of President of the United States. From 1856, practically every political campaign

saw him in the foreground advocating the sound and patriotic principles of the Republican Party. Indeed, with his convictions, he could not have been other than a Republican. His conspicuous services in 1871 and 1872 as one of the fearless and eloquent champions of the Committee of Seventy in its campaign against the Tweed Ring, led to his election as President of the Club in 1873, when he was only forty-one years of age. And year after year he was always, as you will readily recall, among the leaders in the patriotic activities of this Club.

Three outstanding public services rendered by Mr. Choate call for particular mention. The first public office he held was that of President of the Constitutional Convention of the State of New York in 1894, when he guided the deliberations of that body in framing the Constitution by virtue of which we are still governed. His second public office was as Ambassador to the Court of St. James, where he did more than probably any of his predecessors in that important post to bring the two peoples closer together, to inspire at once respect and admiration for American ideals and institutions and American culture, and to show how fine an advocate, scholar and gentleman the new world could produce. A third conspicuously valuable and fruitful public service was rendered by Mr. Choate at the Second Hague Conference, where he placed the United States in the position of leadership in the advocacy of sound principles of international relations.

Moreover, Mr. Choate during his whole professional career constantly rendered inestimable and enduring public service in the argument of cases involving important and far-reaching questions of public and constitutional law. It was in such arguments that he was seen at his best, even in comparison with his superlative talents before a jury. He did not enjoy, it is true, the great and exceptional forensic opportunities that fell to the lot of his illustrious partner, Mr. Evarts, who defended a President of the United States before the High Court of Impeachment, represented

the nation before the Geneva Arbitration Tribunal, and succeeded in establishing the title of Mr. Hayes to the Presidency before the Electoral Commission. Such opportunities for service and eloquence, however, have fallen to the lot of few advocates. Nevertheless, any one who will examine the many cases involving constitutional law which were argued by Mr. Choate will be amazed to find how varied and extensive were his services in this particular branch of our jurisprudence. He profoundly believed and constantly urged that the defense of constitutional government and of the rights of the individual is the special and patriotic duty of the profession, and that the American constitutional system would not long endure or the fundamental rights of the individual long continue to be of practical value if the Bar of the country should become lukewarm in the performance of the duty of upholding those rights and maintaining the essential principles of civil liberty and political justice.

The greatest public lesson taught by Mr. Choate's life and the greatest inspiration from his example will undoubtedly be found in his deep-rooted patriotism. Indeed, the larger significance of this impressive gathering tonight lies not merely in its manifestation of admiration, friendship and love for Mr. Choate, but rather in the evidence it affords of our deep conviction that he more than any other on our rolls personified the disinterested love of country from which sprang this great patriotic organization, the absolute and unqualified loyalty to the national government to which its charter expressly dedicates it, and the unalterable and uncompromising determination to uphold and maintain American constitutional government to which it is committed. Mr. Choate was the very incarnation of these convictions and these purposes.

To a highly cultivated, a reflecting, an imaginative mind, the writings of the biography of Mr. Choate should be a most inviting and fascinating task. It would carry the mind backwards eighty-five years to the Salem of 1832, and the close of the first administration of Andrew Jackson,

when Webster and Clay and Calhoun were in their prime, and through the most eventful and fateful years of our national history. It would likewise carry the mind backwards to the England of William IV., to the France of Louis Philippe, to the Prussia of Frederick William III. The biographer would, however, have to record that the last three years were in Mr. Choate's eyes the most important and interesting of his life, grandly demonstrating that to him age was "opportunity no less than youth itself." From the beginning of the awful war which now devastates Europe and which shattered so many of his hopes, he realized before any one else that the Allies were defending our ideals of democracy, and in truth fighting, suffering, and sacrificing for us. Day after day, night after night, he strove with spiritual fervor and eloquence undimmed by age to awaken his countrymen and make them recognize their own danger and their moral obligations to humanity.

The last six weeks of his life were replete with happiness and contentment. The glorious end, indeed, crowned the work of a lifetime of patriotic service. President Wilson's lofty and immortal message of April 2nd filled him with gratitude and joy, and he declared that he had never before felt so proud and happy, for the nation had been placed upon the highest plane it had ever attained and at last he saw the realization of his dream of the unity and solidarity of the Anglo-Saxon race in the defense of democracy and humanity and of a common civilization. The momentous events that followed the declaration of war by Congress were an immense comfort to him. He was intensely proud of the disinterested, altruistic pledge by our President of everything that we are and that we have in defense of the principles that gave our nation birth. He was intensely proud, exultingly proud, when America handed hundreds of millions of dollars to Great Britain and France to relieve their wants and distress. He was entitled to be proud; for, in truth, Mr. Choate's spirit was much of the inspiration of the thrilling events in American history

which occurred during this period. And finally his last week on earth was indescribably happy, for he was able to extend to the English and French Commissions the greetings of his home city and the cordial and enthusiastic hospitality of the great and loyal community which he had served so long and so devotedly and which he honored so highly!

Mr. President, if in coming years we are asked to point the moral of Mr. Choate's life, to declare in what particular quality he was preëminent, what was the richest of the legacies he left us, what made him the noble and lofty figure and extraordinary personality that he was, even more than his perfect courage—in a word, what is to us the highest glory of such a life, shall we not answer that it was his *character*? The moral value to this community and to the whole nation of such a character is verily beyond all computation.

In October, 1898, I had the honor to attend, as Mr. Choate's guest, the unveiling of the statue of Rufus Choate in the Court House at Boston. While Mr. Choate was delivering his memorial oration, I felt and ever since have believed that in describing the high principles and moral standards that had animated and guided the life of his illustrious kinsman, he was proclaiming those which dominated and controlled his own life. May I repeat to you what he then said of Rufus Choate?

"And first, and far above his splendid talents and his triumphant eloquence, I would place the character of the man—pure, honest, delivered absolutely from all the temptations of sordid and mercenary things, aspiring daily to what was higher and better, loathing all that was vulgar and of low repute, simple as a child, and tender and sympathetic as a woman. Emerson most truly says that character is far above intellect, and this man's character surpassed even his exalted intellect, and, controlling all his great endowments, made the consummate beauty of his life." And Mr. Choate then added—"The first requisite of all true

renown in our noble profession—renown not for a day or a life only, but for generations—is Character.”

Is it not true that these words apply even more truly to the great and noble man for whom we are mourning tonight, and that they might well be written as his epitaph?

Two evenings before the end, Mr. Choate, having invited to his house a few friends to meet Mr. Balfour, after dinner broached to some of his guests the subject of the immortality of the soul. Those who had the privilege of hearing that discussion must always regard the event as memorable and far more serious and significant than they then imagined. Perhaps his lofty soul had a solemn premonition of the coming summons to enjoy the supreme reward of his staunch faith in the God of his fathers, and that he then felt, contentedly and serenely, that he would soon

“. . . sustained and soothed

By an unfaltering trust, approach [his] grave

Like one who wraps the drapery of his couch

About him, and lies down to pleasant dreams.”

THE PRESIDENT: I will ask Mr. Rushmore to address the Club.

MR. CHARLES E. RUSHMORE: Mr. President, Mr. Depew, Gentlemen of the Club:

I shall not attempt to add more than a few short and general words to the eloquent tributes that have been paid, and will be paid, tonight to the memory of Mr. Choate.

I, also, was fortunate in having had personal association with Mr. Choate. Toward his juniors at the Bar his attitude was ever friendly, ever considerate, and never assumed a patronizing air. He took and held them captive by his kindly charm. In my first civil jury trial, Mr. Choate acted as the senior counsel. He entered into that trial out of friendship for my client, who had been his classmate at Harvard College. Three more instructive, more agreeable days, I never spent in a court room, than those in which I watched Mr. Choate in the handling of that case, which he

won, and for which service he would accept no fee from the friend of his youth. Later on through more frequent associations, I learned to know, to respect, and to admire his wonderful qualities of mind and of heart.

Some men are born whose influence is so beneficent, so far reaching, so lasting, that their so-called death is not really a removal. They are in that respect like those remote stars whose shining rays shed undiminished light upon the world long after their physical bodies have disintegrated. In such case death does not give immediate cause for grief. Who does not seem to die is not dead.

In this Club, in this community, in the circles of the Bar in which he worked, in the broader world in which he lived, the light of the influence of Mr. Choate will not fade. There have been many famous men associated with the intimate history of this Club, but there has never been one who more truly represented its ideal spirit than did Mr. Choate.

I am impelled to mention again the incident to which you, Mr. President, referred. I do so because it was so essentially characteristic of Mr. Choate. You will all remember that but a few weeks ago, just prior to the declaration of war with Germany, he was speaking on this platform and said that if, in coming out to speak for his country, it would be the final effort of his failing strength, he would nevertheless make that effort in furtherance of what he regarded to be his duty. How well he performed that duty in the subsequent days we all do know, as we know how truly in fact he died upon the firing line.

There is no honor that this Club could pay to any man greater than that which it should pay to the memory of Joseph Hodges Choate. (Applause.)

THE PRESIDENT: It is now my great privilege to present to the Club—not that he needs introduction—one whom we always delight to hear, in whose continued vigorous

youth we take the greatest satisfaction—always optimistic, always eloquent—our friend, Chauncey M. Depew! (Applause.)

MR. CHAUNCEY M. DEPEW: Mr. President and Fellow Members: Language is inadequate to measure or describe the time in which we live. Events of incalculable importance to humanity and to government happen over night. The record of a month surpasses in its consequences the orderly processes of centuries.

I have just returned from Washington where Congress is dealing with appropriations which stagger the imagination and concentration of power in the hands of the few for efficiency in war never before contemplated. The extraordinary has become the usual in our thoughts and experiences.

It is only a subject of importance which justifies a meeting under these conditions. We have had many memorable celebrations in this historic house. They have been in honor of Presidents of the United States, of Generals immortalized by great victories, and of Governors of States and diplomats of international renown. But we are met here tonight to pay our tribute, not only of respect and admiration, but also of affection for a fellow member and a former President of our Club, Joseph H. Choate, who in his long and distinguished career held but one great office, and that late in life, but who when he died had a position which in a great and enlightened democracy is superior to any office—he was our first and foremost citizen.

At a dinner given him last January in this Club, on the occasion of his eighty-fifth birthday, it was interesting to note in his speech what recollections were for him the most interesting. They were, his first speech in a presidential canvass, and his first fee as a young lawyer. Those who were privileged to hear him will recall with what charming picturesqueness he told of that first case, of his fee of two one dollar gold pieces, and of the recovery of one of them over fifty years afterwards from the descendants of a young

friend with whom he had divided his two dollars. The other reminiscence which he dwelt upon with equal picturesqueness was his speech made in 1856 for Frémont for President. He had preserved the poster and pointed with pride to the announcement that addresses should be given by Joseph H. Choate and James C. Carter. Both of them were young lawyers, recently arrived in New York to make their careers and their fortunes. What wonderful careers have been won in that sixty years. Choate easily had become the head of the Bar and of international fame, while his tribute to Carter, who died a few years ago, condensed in one sentence a wonderful eulogy, when he said: "The death of James C. Carter made room for a thousand lawyers."

That he spoke in 1856 for Frémont was specially interesting to me, because I, too, just out of college, canvassed the country in the same cause. Both Choate and I spoke also for Hughes in the recent campaign. It is the only record I think of ardent orators of 1856 after sixty years still as ardent and quite as vigorous upon the platform for their party and its candidate.

As President of the New York State Constitutional Convention, Mr. Choate revealed a capacity for managing a Legislative body and a constructive statesmanship in preparing the fundamentals of government in a written constitution which demonstrated the highest statesmanship. If he had spent most of his life in Congress, he would have ranked among the first statesmen to whom we owe the development of our institution. But Mr. Choate was of too independent a mind, and too rebellious a spirit, to succeed to office in strict party government. He was a party man, but never a partisan. The organization always feared him, and organization leaders knew they could not control him, but his marvelous faculty in presenting the principles and policies in which he believed brought the leaders instantly to him to make the keynote speech after they had built their platform and nominated their candidates. But if their platform and candidates did not meet his approval he would have

none of either. He was not a reforming crank nor a cranky reformer, far from either. He recognized that there must be a larger surrender of individual purposes of its organization, but when he distrusted the leaders or the candidates, or the purposes of the organization, he was instantly in revolt.

Those who were closely associated with him at the Bar can speak more intimately of his career as a lawyer, and yet I had an opportunity of knowing his supreme ability in another way. I was a General Counsel for many years. The General Counsel as a rule is always near or within call of the Executive. If the Executive amounts to much, he must be one of those masterful men who, in accomplishing his will and what he believes necessary for the corporation of which he is chief, is rebellious and defiant of restraint. It is the General Counsel's business to keep the Executive from violating the law. So the General Counsel in administering legal matters retains members of the Bar in different parts of the country. He thus has unusual opportunities to become familiar with their abilities and equipment. The two greatest lawyers I ever met under these conditions were William M. Evarts and Joseph H. Choate. They were partners, but both extraordinary in their knowledge of the law, in their singular power of discernment and discrimination and in their wonderful faculty of so clarifying their case that it commanded the assent of the court and the conviction of the jury. In one of the most famous of will cases, after it had dragged its weary length along for over two years, Mr. Choate was invited to take charge and in twenty days had broken down and destroyed the whole fabric so long elaborately and skillfully built by the contestants.

In another case, certain transactions were continued for a number of years with a large firm, the members of which retired and passed the business over to their managers, with whom these same transactions and customers continued. The bankruptcy of a principal led the receiver to bring an action against the members of the old firm on account of

what occurred during their period, and another action against the new firm for the transactions which continued with them. The facts were precisely the same and the principles governing them the same and the amount involved was very large. Mr. Choate represented part of the divided firm and some very excellent lawyers the other part. Mr. Choate won his case, the other part lost. Then when both came to the Supreme Court of the United States, Mr. Choate won for both.

There never was a more remarkable partnership than William M. Evarts and Joseph H. Choate. Evarts was long the leader of the American bar, and Mr. Choate by general consent succeeded him. Mr. Evarts was not only our greatest lawyer, but he was also our keenest wit. Mr. Choate, in addition to his wonderful legal ability, was also a wit and a humorist of first order. He gave me a delightful account of his farewell to Mr. Evarts when he went to Great Britain as Ambassador. Mr. Evarts had been ill and confined to his bed for a long time and was gradually fading away. Evarts said to Choate, "I am delighted at your appointment. You have gained all the distinction possible in our profession. You are eminently fitted for this great place." Choate answered, "My only regret is leaving you after more than forty years of close association, without any differences or frictions, but when I come back I hope you will be restored to health and we shall resume together our old activities." "No, Choate," said Evarts, "I can never leave this room. I know I am a burden because of my helpless and hopeless condition. I feel like the schoolboy who wrote home to his mother a letter of twenty pages, and then added at the end, 'P. S.—Dear Mother, please excuse my longevity.'"

The benchers of the Inner Temple are the most venerable and the most authoritative body in Great Britain. One or two of the lawyers of the Colonial period, who emigrated to America, were benchers, but since the formation of the Republic, no American lawyer had been admitted to this distinction. But after Mr. Choate had been Ambassador

for several years, there was a new tie and a most unusual one created between the old country and the new. Mr. Choate had so impressed the judges and the lawyers of England that he was unanimously elected a bencher of the Inner Temple. Coincident with the tributes to his memory, which are paid by his countrymen, are other tributes equally sincere, eloquent and convincing, from his brethren in this great and powerful company of the law, on the other side of the Atlantic.

Many years ago Mr. Choate was elected President of the New England Society in New York, and continuously re-elected. After a little, his annual address became an event for its wit, humor and audacity. Its free handling of important personages and current questions made an opportunity to attend the New England dinner the most sought for privilege of the year. The occasion grew into national importance; men of the highest distinction and position gladly accepted invitations; it was a free platform, and the broadest discussion was invited, providing it was not too long. Sumner came there with his ponderous periods and stately eloquence, and Roscoe Conkling was there at his best. So were Presidents and ex-Presidents of the United States, and with them great journalists and educators, but on these occasions, some of which were historic, the master mind was easily Joseph H. Choate.

Mr. Choate believed with me that the mind is fresher and more capable of grasping the questions arising in one's vocation or profession, if there is relief in some other direction. We both found that in after-dinner speaking. For over forty years, many times during the season, we were on the same platform. I was a speaker with him at both the Irish and Scotch annual dinners, where his wit and audacity so amused and offended. When he suggested at the St. Patrick's Society, at a time when Home Rule had failed in Parliament and every office in New York was held by an Irishman, that the absence of governing talent from the other side had probably led to the failure of Home Rule

while that same talent transferred over here governed us absolutely, and that if they would go back home their abilities would undoubtedly secure the independence of Ireland and give the native Americans an opportunity to govern themselves, he did not mean to offend, but the whimsical and mischievous audacity of his humor was so strong, and his enjoyment of it so great, that while he did not mean to offend he did not care if objectors became angry.

So at a Scotch banquet, I sat next to the Scotch Chieftain, the Marquis of Aberdeen, then Governor General of Canada, a man of the highest distinction in public life and of family, who was the guest of honor. He was in the full regalia of his Highland Clan. Choate asked me if his legs were bare. After investigation, I said, "Yes." When it became Mr. Choate's turn to speak, he could not resist this same whimsical, mischievous and audacious humor. He said, "If I had known that our distinguished friend was coming here to-night in the costume of his Clan, I would have left my trousers at home."

This mischievous humor made him the most delightful of companions at any function. I have been a member with him for more than a quarter of a century of a private dinner club. Its confidences were those of a family and there was no publicity whatever. The members were free to give their views frankly on all subjects and in the exchange of opinions and experiences Choate's contributions, if permitted to be published, would be an inexhaustible fund of wit and wisdom. At the dinners given me, purely private ones, by my wife on my birthday, Mr. Choate's toast and speech in that admirable combination of praise and mischief of which he was master was always the feature of the evening. On one occasion it had been suggested by the hostess to the architect of the table that it would be a delicate compliment if he would present the guest as Cicero in a miniature statuette delivering an oration. The architect from a photograph and personal acquaintance made an excellent likeness, but as his familiarity with Cicero was not with history, but

with Romans on the stage the figure did not have the toga of a Senator, but the belt and sword of a gladiator of exaggerated muscular development. Charles Lamb never did anything more delicious in its humor, more audacious or mischievous than Mr. Choate's picture of what would happen to the octogenarian orator as a gladiator.

I have been going to Europe for half a century and thrown in intimate contact with our representatives abroad. We have been peculiarly happy in our ministers and Ambassadors to Great Britain. I saw much of Mr. Choate while he was in London and his popularity with both government and society was beyond that of the representative of any other country. Choate was the finest flower of democracy. He had no comprehension or respect for distinctions founded only upon family or pedigree. His easy familiarity with great personages never offended. He was accepted from the King to the commoner as an equal. King Edward, who was one of the most appreciative and capable of sovereigns delighted in Mr. Choate. In England political and social life are closely intermingled. Politics and government are largely run at the week-end parties in the country, and also those parties are the best part of the social life of Great Britain. The epigrams and stories from Parliament are large contributors to conversation at these gatherings. He had not been long there before he was more quoted than anybody, and his wit and wisdom repeated all over the land. His speeches at universities, on the platform, and especially at great dinners presented the rare combination seldom found in a speaker, of profound thought, picturesquely expressed and illumined by that light touch of the perfect artist which makes a disagreeable truth palatable.

The world knew little of the valuable work done by our friend through his membership of public institutions. He did much for both our great museums of Art and of Natural History, and the Society for the the Blind owes its lighthouse to his efforts as its President. He took a deep interest in the American Indians, and the exploiters and rascals who

are always seeking to prey upon them by Congressional Legislation found in him an alert, resourceful and successful enemy.

When we, who knew him so well, have passed away, posterity will inquire, "What was the secret of his great power?" I have heard most of the orators of my time of this and other countries. With the exception of Mr. Gladstone, Wendell Phillips and Mr. Choate, I cannot recall any who had that elusive and indefinable quality which, beyond the argument or its setting, beyond the logic or its force, captured audiences and juries, which even penetrated and swayed the calmer judgment of the court.

James M. Barrie, in one of his plays presents a masterful woman of wonderful ability and genius, who makes out of a dull husband a success in politics and a leader in Parliament. He is carried away by the flattery which comes to a position gained by his eloquence and leaves his wife to follow a society belle. His success is due to his speeches, all of which are written by his wife. The hard-headed Scotch brothers of the wife discussed how it was possible that the other lady so volatile could have led him away from so superior a woman as their sister. One of them solved the problem by saying, "It is her damn charm." When to that charm is added genius, the combination is irresistible. I have been present when Wendell Phillips swayed hostile audiences which had driven other orators of superior logic from the platform because they fell under the sway of the magnetism of his voice and manner. So Mr. Choate won victories in the courts where other great lawyers failed and captured audiences bored by other speakers.

Our friend two years ago entered upon a new career. He was a man of peace and had devoted time and effort for the peace of the world. He left everything to go as Ambassador to The Hague for that purpose, and was amazed although he did not comprehend it then, at the studied opposition of the German representatives. As an international lawyer of great erudition he was shocked by the German

Chancellor's views that treaties are scraps of paper and at the atrocities in Belgium and France. But after the war had been in progress for less than a year he became convinced that it was a battle between autocracy and democracy in which the United States was vitally interested. He believed that if the Allies were defeated, Germany would then possess the resources of France, Great Britain would be helpless and the United States the next victim of ruthlessness and spoliation. He was the first of our public men to preach preparedness and to insist upon our entrance into the war. Each new outrage upon our citizens drew from him a sterner and more emphatic declaration of our duty to freedom, humanity and the preservation of our own liberty. He hailed with approval and unstinted praise President Wilson's address to Congress and with that magnanimity, which was his characteristic, he withdrew the criticisms he had made against the President, saying, "He is right now. I can quite believe he was right all the time and only waiting for the opportune hour."

At eighty-five years of age he was anxiously seeking where and how he might serve his country. When the Commissioners were sent from France and Great Britain he saw his opportunity and grasped and fulfilled its duties, though they were far beyond his strength. The last five days of his life will form an inspiring chapter in American history. This venerable American citizen, known and loved on both sides of the ocean, saw the great service he could perform in cementing the ties between the United States, France and Great Britain, so recently formed. He was Chairman of the Committee in the ceremonies on which rested the eyes of the whole world, for those ceremonies were to test the sincerity of the alliance. Thursday he met the French, Joffre, the great soldier, and Viviani, statesman and orator; rode with them through the crowded streets and avenues and assisted in their entertainment in the evening. Friday he accompanied them to the meeting with the

merchants of New York, where his speech compared favorably with the impassioned eloquence of the French orator. Friday he also met and received England's veteran and most accomplished statesman, Mr. Balfour, spoke to him on behalf of the American people at the City Hall and accompanied him through the crowded streets. Again in the evening at a memorable banquet given by the Mayor of New York, where were gathered representative men from all parts of the country, in pathetic and stirring eloquence he expressed his delight at this union of English speaking peoples and this renewal of our old alliance with France for liberty and humanity, and then with that practical touch which always characterized his efforts, he put his fatherly hand on Colonel Roosevelt and said, "If our most and distinguished and best known citizen is willing to give the inspiration of his presence in Europe, and the possible sacrifice of his life to the cause, let him go." In advocating our government sending troops to France, he condensed the sentiment in a shout, "Hurry up."

Saturday he escorted these great Commissions to the Chamber of Commerce where he again assured them that the enterprises, commerce and trade, represented in that venerable body were all pledged to victory.

On Sunday he went with the representatives of Great Britain to the cathedral of St. John the Divine. He regarded that solemn service as a consecration of the alliance as the National Anthems were followed by the prayer and praise and hope of the Christian Doxology. There were angel voices mingled with those of the cathedral choir, the great soul of Mr. Choate had been summoned and the gates of Heaven were ajar. Dying a few hours afterwards he said, "This is the end." The end, yes, of his earthly life only. His country and his countrymen will always cherish as an inspiration for succeeding generations a life so useful so full and so complete and a death preëminently in the service of his country, for democracy and for liberty. (Prolonged applause.)

THE PRESIDENT: Gentlemen of the Club, it remains but to record our sentiment in the action which we shall take upon the resolutions which have been presented.

It has been moved and seconded that these resolutions be adopted.

(The motion was unanimously carried.)

THE PRESIDENT: The meeting stands adjourned.

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